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TRIAL

OF

MISS BRODERICK,

FOR THE

WILFUL MURDER

OF

George Errington, Esq.

BEFORE

LORD CHIEF BARON MACDONALD,

AT CHELMSFORD, ON FRIDAY, JULY 17, 1794.

EDINBURGH;

Printed by J. ROBERTSON, No. 4, Horse Wynd.

1795.



TRIAL

OF

MISS BRODERICK.

ANN BRODERICK was indicted for feloniously shooting at G. Errington, Esq; with a pistol loaded with ball, and wounding him therewith in the right breast, of which wound he died.

SHE was also indicted on the coroner's inquest, for the wilful murder of the said G. Errington.

To both these indictments she pleaded *Not guilty*.

Mr. Garrow opened the pleadings on the part of the prosecution. He addressed the jury in a very pathetic manner, and expressed his great regret that so painful a task as the present should have fallen to his lot. The matter to be decided by the jury was, he said, of

the highest importance; no less indeed, than the life of a fellow creature; for they by their verdict, were called upon to pronounce decisively, whether the unfortunate prisoner at the bar was or was not guilty of the dreadful crime of murder, with which she stood charged. Painful, he was certain, such an investigation must necessarily be to them, and painful in the greatest degree it was to him; for he found his feelings exceedingly distressed, when he reflected that in opening this case he had to trace the circumstances by which a highly valued and respected friend of his own had met with a most sudden and premature death. However, both his duty and that of the jury demanded that they should meet the matter as men, who were bound to do justice to the laws of their country, which had been heinously violated.

It was by no means necessary, he observed, on any occasion, for the counsel in a prosecution to make an exertion of that talent and ability with which nature and education might have endowed him, so as to use any ingenuity of argument in order to make the case press hard upon an unfortunate prisoner. Far, he hoped, it would ever be from him to conceive an idea of using language which might intend to inflame or agitate the passions of a jury against the unfortunate person they should have it in their charge to try. In the present case, particularly, no such conduct would be wanting; for the simple relation of the facts, as they actually happened, without adding the smallest comment, were quite sufficient, he believed, to constitute

in the fullest and completest manner, what by the law of England was deemed to be wilful murder. This was his opinion; but on this head they would have the advantage of much higher and more weighty authority—the learned judge on the bench.

THE circumstances which led to the dreadful tragedy, which was the subject of this day's investigation, he begged the jury to attend to, while he enumerated them as simple and concisely as the nature of the case would permit. On the 13th day of May last, the prisoner, who had taken a place a day or two before in the South-End coach, went to the Bull at White-chapel, from whence the coach set off, in order to proceed to South-End. When she came there the coach was gone so lately, that she hired a whisky of the master of the inn, and a man to drive it, in order to overtake the coach. That, in fact, she did overtake it, and proceeded in it very near to the house of Mr. Errington, when she got out of it and proceeded thither. On her arrival at the house, she asked for Mr. Errington, and was very soon shewn into the room where he was, where she almost immediately discharged the pistol at him, and the wound he received from which was the cause of his death. All circumstances attending the fact would be proved in the fullest and plainest manner. It was true that the fact of the unfortunate prisoner at the bar having actually shot the deceased, would only be proved by the then wife, and now unhappy and afflicted widow of Mr. Errington. It was not his intention to call on

her on the present occasion, because he thought that the sorrows of her heart must have been too pungent, and too recently closed to admit of being opened afresh by so severe a probing as that must prove, which should bring every melancholy incident attendant on the dreadful transaction fresh to her remembrance, and replunge her into that scene of agitation and distress from which she was but just recovering, and from which the tenderest feelings of the soul must have received so terrible a shock. He had, however, deemed it his duty to have the afflicted lady on the spot, in case it should be deemed necessary by his learned friends, who were counsel for the prisoner at the bar, that she should be examined. If, therefore, they required it, here she was on the spot, and would certainly go through the painful task, however great her feelings may be agitated in doing so.

It was however somewhat consolatory to think that whatever apparent charm was left in the chain of evidence, from the want of this testimony, it would be amply supplied by that of the unfortunate prisoner herself; for on Mr. Childer's, the Surgeon, not being able after some time to trace the winding of the ball, Mr. Errington desired him to go to the prisoner and ask the situation in which she stood when she fired the pistol. Mr. Childer's did so, and the prisoner informed him, without the smallest hesitation, that Mr. Errington was sitting and she was standing when she fired the pistol off with her left hand. This he said would be proved by Mr. Childers, and with the chain of proof

that afterwards regularly followed, there could be no room to doubt of the fact being proved beyond a possibility of denial.

It would now, therefore, only remain for him to call the witnesses and prove the facts he had stated; were it not that humanity, as well as justice required him to state what might probably be used as a plea in this case, in behalf of the unhappy woman at the bar. The crime of murder was one of the deepest dye, and where it could be proved to have been actually committed, the law had fixed upon it the highest and most severe punishment by the infliction of death in a very exemplary way. There was *one plea*, and he believed the only one, that the law allowed to be set up as an excuse of this high crime, and that he understood was intended to be relied on in the present instance. That plea was *INSANITY*; and as the strict rules of law did not permit the counsel for the prisoner to address the jury in cases of this nature, it became his peculiar duty to state to them this defence, and to inform them, with every deference to that more weighty and learned authority of his lordship on the bench, that if insanity was really and fairly proved to their satisfaction, it would be incumbent on them to acquit the prisoner; for, God forbid that any person should be punished with death for the commission of an act to which they were impelled by the awful visitation and infliction of the author of all nature; who, from causes known only to himself, had so deranged the intellects of their mind and reason, as to take from them

the power of knowing, or distinguishing what they did. If this was really the case, it would require the deepest attention, and most serious consideration of the jury; and, he had been informed, that it was intended to be proved that the unhappy prisoner at the bar was descended from a family in which this dreadful malady had very generally and fatally prevailed. He understood that it could be proved her mother was most deeply afflicted in that way; that a sister of her's had been the same, and died in that miserable predicament; that she had a sister now living, very much in the same way; and that she herself, for several months, had been exceedingly deranged. These were facts, which he had been given to understand would be set up in defence, or rather excuse of the prisoner, and if properly proved, ought undoubtedly to have a great weight.

It might, perhaps, be said by some, that the cool and premeditated manner, in which this transaction was carried on, argued strongly against insanity; but this objection had no foundation in fact or in truth; for it was well known that the most insane mind had frequently the visitation of lucid intervals, and the most deranged intellects, the most flattering appearance of composure and stability. Far be it from him to say, or even to hint, that insanity is incapable of correct contrivance, or that a violent derangement of intellect is at all times incapable of most ingenious premeditation—could he be prevailed on to use so fallacious an argument, he should think he would deserve a strait waist-

coat himself. No, no; the seeds of madness once sown, there was no ascertaining to what degree they might shoot forth and extend, nor in what way, or what period of time they might break forth into action. The unhappy prisoner at the bar had been long, many years acquainted, and most intimately and tenderly connected with Mr. Errington, who in the early part of his life had been most peculiarly unfortunate in his connections with the female sex. It was ridiculous and would be cruel to affect secrets now as to affairs, which by being kept back and concealed, might weigh against the life of the prisoner. He repeated, therefore, that Mr. Errington had been extremely unfortunate in his engagements with the other sex—the misconduct of his first wife was too well known to need any comment; and from the disagreeable and mortifying circumstances attending that misconduct, he had fled and taken refuge in the company and conversation of the prisoner at the bar, with whom he had lived in the greatest apparent harmony and happiness, till he deemed it necessary to enter into a new MATRIMONIAL engagement, and to part from the prisoner. It would seem that from that period the unhappy woman at the bar had become almost a recluse—had shut herself up from all society, and her mind had appeared wholly engrossed and employed in brooding over her situation—Some short time, therefore, before the perpetration of the dreadful act, which is the cause of this prosecution, the prisoner sent a letter to Mr. Errington, who unfortunately returned it unopened; this perhaps might rouse her mind into an actual state

of insanity, to which it seemed to have been gradually approaching, from the rigid manner in which she had secluded and estranged herself from the world.

WHILE he had thus, he hoped with candour, stated what was likely to be brought forward as the defence of the prisoner, and made every allowance which he thought he was justified in doing; it was equally necessary for him to return to the duty he had to perform as counsel for the prosecution and to remind them, that it is not every act of insanity that excuses such a dreadful deed as that for which this prosecution is commenced. It must not be a partial, or momentary, or trivial insanity, but such a total derangement of intellect, as while they are under its influence, deprives them of the recollection of moral rectitude, or the contrary.

THERE was one circumstance which he was informed was to be given in evidence, respecting her insanity, which, if proved, would certainly be very strong in her favour. On the day on which she was too late for the South-End coach, and hired a whisky to overtake it—the man who drove the whisky, and was an entire stranger to her, saw such symptoms of insanity in her behaviour while she was in the carriage with him, that, immediately on his return to his master, and before the fatal accident was known, he had informed him, that he believed the person he had drove in the whisky was not in her senses.

UNDER all these circumstances, therefore, the case

would be submitted to the consideration and decision of the jury. If they thought the insanity proved, they would of course acquit her; if on the contrary, they were of a different opinion, they would do their duty to the laws of their country by finding her guilty. He should observe no farther on the subject, only that he prayed God to interest them with such a judgment of the case, that the verdict they might give should be such as would give each of them, in recollecting it, the most heartfelt satisfaction to the end of their lives.

Mr. Const then called the witnesses for the prosecution, who were all examined, as well as those on behalf of the prisoner; but as their evidence makes the greatest part of the charge of the learned judge, we shall give them exactly as recapitulated by him to the jury.

THE LORD CHIEF BARON.

Gentlemen of the Jury, There never was a case which required more minute attention, or particular observation than the present. One of the highest crimes known to the law is now to be tried by you, and the question of guilty, or not guilty, depends altogether upon the plea of insanity in the party accused. This plea, if proved to your satisfaction, undoubtedly goes to exculpate the prisoner; for the meaning of insanity is a total deprivation of intellect for the time, which incapacitates the party afflicted with it from knowing right from wrong, and therefore the law very proper-

ly and humanely says, that such person shall not be punished for an act which could not be their's ; for the act is not that of the party, but of the insanity by which they were guided and influenced. It is at the same time to be observed, Gentlemen, that every act which springs from the emotions of jealousy, revenge, or other malignant unmovements of the mind, brought on by brooding over any particular act the party may have in their melancholy meditation, does not constitute a sufficient degree of insanity to operate as an exculpation from a crime of so deep a dye. It must be shewn to have been fixed and settled for some considerable continuance of time, and in order that you may consider whether that has been the case in the present instance, I will recapitulate the whole of the evidence that has been adduced, for though the fact has been so incontestibly proved, that it may perhaps seem unnecessary to take notice of that part of the evidence, yet in a case of such importance I do not think it would be right to omit the smallest particle, but that you may have the whole mass together for your consideration and attention. Gentlemen, the first witness who called in support of the prosecution was,

George Bayley, who tells you, that he was a servant to Mr. Errington, near Grays, in May last ; that on Wednesday, the 13th of May, he saw the prisoner at his master's, that he came into the kitchen, and asked him if Mr. Errington was within ? He answered, yes. That, being then changing his shoes, he desired the gardener, who was in the kitchen, to shew

the lady into the parlour, while he went to inform his master one wanted to speak with him. That on going up stairs, he met Mrs. Errington coming down. Mrs. Errington went into the parlour, and the prisoner met her at the door; that he saw by their meeting they were entire strangers to each other. The prisoner asked his mistress, if Mr. Errington was to be spoken with? Who answered, Yes, please to walk up stairs. Mrs. Errington went first, prisoner followed close after. The witness returned to the kitchen, and in a minute after heard the report of a pistol up stairs, and his mistress shriek out; immediately ran up stairs, and heard his master groan and say, oh, God, I am shot; I am murdered. In going through a room where there were workmen, he desired them to go with him, as he apprehended some mischief. On entering the room, he saw his master leaning forward and all over blood. Mrs. Errington screamed out, take that woman into custody, she has murdered my husband. That the prisoner then threw down a pistol on the carpet out of her left hand and *laughed aloud*, and said, now hang me, do what you will with me.

[Here the learned judge observed to the jury, that he thought it his duty to call their attention to this circumstance, which, perhaps might be known to them, or may be not; but which had particularly come under his observation, that the act of laughing, in the midst of perpetrating an act of horror, was a striking, and almost infallible symptom of insanity; so much so

that it was always introduced as a representation of madness.]

THAT the witness then desired the persons present to take care of the prisoner, and ran himself to get a horse, and went for Mr. Childers the surgeon. As soon as he had informed Mr. Childers what had happened, he went for a constable. On his return the prisoner was in the parlour, with some water before her, and was told she had been fainting. That he saw the prisoner put her hand in her right side pocket, and told the constable he thought she had another pistol, and desired him to take care. The constable then laid hold of her hand, and she asked him what he was going to do? He said, no harm. She requested to put her hand into her pocket first, which the constable refused, and told her he must put handcuffs upon her. That they called a woman to search her pocket, and took out the other pistol. The prisoner was then taken away by the constable, and the witness went for another surgeon.

Tomlinson, the gardener, confirmed the above witness's testimony as to all that had passed in the house.

Mr. Childers, the surgeon, said that he was called to Mr. Errington on the 13th of May, about eight in the evening; found him bleeding and very pale, from a perforation on the right side, which seemed to be made by a ball; the wound was such as might have been given by one of the pistols; examined the wound,

and traced the ball one inch below the perforation. Went to the prisoner at Mr. Errington's request, and asked her to inform him in what direction she was when she fired the pistol. She answered without hesitation, that she was standing and Mr. Errington was sitting when she fired the pistol with her left hand; that this account corresponded with the appearance of the wound. That he attended Mr. Errington to the day of his death, which happened on the Tuesday following, and has no doubt but the wound was the occasion of his death. That he had the pistol in his possession, which he then produced, ever since the day on which the accident happened.

Mr. Miller, another surgeon, has heard the evidence of *Mr. Childers*, and concurs in it.

Joseph Creeks, the constable, went with Bayley to *Mr. Errington's*, and confirms the whole of his evidence respecting taking the prisoner into custody, searching her pockets, and taking from her the pistol, which he gave to *Mr. Childers*.

John Eades carried a letter from the prisoner to *Mr. Errington*, about the 13th of May. the day, he said, before the mischief happened. *Mr. Errington* asked where he came from? He said, from *Kennington*; *Mr. Errington* returned it to him unopened, saying, he should perhaps see the lady in a day or two.

Mr. Button, the justice of peace before whom the

prisoner was taken, produced a letter, which was handed to him at that time, as taken out of her pocket, but he gave it back, and desired her to put in her pocket, as it might perhaps be made evidence against her; but she said, no, take it—take it.

The letter was read, and was to the following purport:

" Dear Sir,

" As I intend going to South End on Wednesday, I shall stop at Gray's to speak on money affairs. As I received no answer to that I sent by Mr Eades, I suspect you are deceived in the persons you have trusted. Should be glad if you would meet me at the Dog and Partridge.

Yours, &c."

This letter, the learned judge observed, was not descriptive of any derangement, but was perfectly cool and sensible; but the words and manner in which she expressed herself to Mr. Button, when, so much to his honour, he wanted her to take it into her own possession, lest it should be evidence against her, shewed a derangement, and a total insensibility to any consequences that might result from it.

William Busb tells you, that in May last he lived at the Bull in Whitechapel, from which house the South End coach sets out: that on the 13th of May he was ordered by his master to drive the prisoner, who was too late for the coach, in a whisky, in order to ov

take it. A little before he came to the turnpike he desired the lady to get the money ready to pay, that he might not be delayed. Just before she came to it she pulled out half a handful of silver and halfpence, and said she had not got change enough to pay it. When they came to the turnpike, the man demanded fourpence; she gave threepence. The man said, I told you fourpence, on which she gave him another penny. He went on as fast as the horse could well go, at her request; but she said he did not go half fast enough. In about three minutes afterwards, she begged him, for God's sake, not to go so fast, or she would get out, for she could not bear it. He then pulled the horse up, and went on a swinging trot; she called out, Good God, how slow you go! Go faster. He galloped again; and she said go faster yet. God bless my soul, I have rode eight hundred miles in a week upon one horse. Then soon after she begged him to go slow; after which, thinking her not in her senses, he did not mind what she said. When he returned home, his master asked him if he had overtaken the coach? He said, yes, and was glad to get rid of his passenger; for he believed she was out of her senses. Never saw the prisoner since till now, and told his master this before he had heard of the fatal accident.

[The witness produced on the part of the prisoner.]

Evan Morris says, that he knows the prisoner, and has known her mother fourteen or fifteen years, that he married a sister of the prisoner, and always thought the mother deranged; knew Mrs. Paterson, another

sister, who has been dead some time. When she was at his house, she was so insane, that he was obliged to tie her to her bed, but she disturbed the neighbours so, he took her to a mad-house at Hoxton; that she was afterwards in bedlam about six weeks, but having fits, which were against the rules of the house, she was removed from thence, and died in that melancholy state in a workhouse.

Ann Mynns says, she lives near Kennington, has known the prisoner near two years, and worked for her as a chairwoman; latterly she varied in her ways, and was very odd to what she was before. In frosty weather she made her clean the steps when no other one would do it; and once threw a saucepan of boiling water on her, because she did not make them as clean as in summer time. Used to come to the place where she lived, at eleven or twelve at night, for the witness to go and bring her bed down into the parlour, for she would not sleep up stairs: that she brought the bed down at night, and carried it up in the morning: that she left her about the middle of March, for fear she should make away with herself.

Mary Simpson says, she knew the prisoner since about two years; has lived in the neighbourhood, and has seen her walking the road agitated very much; every body passing took notice of her, and used to say, she was out of her mind. The witness lost a child one day about Christmas; the prisoner was walking in the manner of a soldier exercising, and the witness

seeing the people laughing at her, spoke to her, on which she recollected herself and dropped her arms. She then asked the witness how her child did, though she had before been in the house when the child lay dead. The witness said she had no child, on which the prisoner answered, it was well gone; it was a girl and there's enough left behind. That the prisoner came to her shop to inquire for garden pots—she shewed her, but they were not large enough; brought the largest, and the prisoner said, that might do; asked the witness if she knew what she wanted them for? she said to put flowers in. No, the prisoner replied, she wanted to put something very heavy—as heavy as lead. She said she had very good fastenings to her house, but was but a loan woman—no male creatures in her house, and if any one came they must make a noise, in removing the fastenings, and then she would throw the pots out of the window upon them. That the prisoner brought a broken china cup to her shop, to get matched; her son told her he could match it, but it would be expensive. She said, she did not value that, as it was a favourite cup, given her by her first attachment, and if she could not get it mended, she should look on it as old gold. Left it to be mended, which was done, and sent home by the boy, who returned very much disturbed, and said the lady was out of her senses.

Elizabeth Honeyball lived with the prisoner as a servant about six weeks before the accident happened and slept with her; the prisoner used to get up in the mid-

cle of the night, go down stairs and tingle all the bells in the house. On the Monday before she went to South-End she held a pistol to the witness's face, and said she would shoot her, and her look and manner bespoke madness; saw the pistols from her first coming; and the prisoner used to fire one out of the window every night. She used to say her husband went among the cannon balls, and got killed. About a fortnight before the prisoner went to South-end, she used to do more strange things than before. One day she went down into the kitchen, and after ordering tea, went up stairs, and banged the door as if she was gone out. Presently after witness heard a great noise of tongs, shovel, &c. and went up stairs, but her mistress's room door was locked, and she heard no one stirring. Soon after heard the prisoner come down stairs, and thought some one had got into the house, for she imagined her mistress was gone out; but then discovered she had locked herself into the room, and made the noise with the tongs, &c. That the prisoner often used to sit down and cry, and when she asked her what was the matter, she said she was as happy as a queen. Was in the parlour one day, and saw her coming crying along the road, came home, gave a low knock at the door, and was very low spirited; hid her face as much as she could from her; went up stairs, put on her black bonnet and veil, and went out again. Went with the prisoner to take her place for South-End, and returned with her; walked part of the way back, and then she called a coach, and sung very loud all the way home. This was the Monday before she went.

William Griffiths a baker, proved many acts of apparent insanity, and among others, her having twice told him she wanted some flour, and bring him the tub full of flour, giving him a shilling and half-a-crown for a threepenny loaf, and shutting the door without the change; and on his offering had taken it, because he said it was right. From many observations had told several people he was sure she was insane; served her about two years; she always kept herself much alone.

HAVING gone through the evidence, the Lord Chief Baron said, he should leave the whole to the consideration of the jury. He begged them to consider most attentively, and if they had any cause to doubt, he desired they would everlastingly remember, that their decision ought to incline to the merciful side.

THE Jury, after a few minutes consultation, returned a verdict—*Not Guilty on account of insanity.*

The following Pamphlets may be had of J. Robertson, No. 4, Horse Wynd, Edinburgh.

The Rise and Fatal effects of WAR:—By Robert Miln, A.M.

THOUGHTS ON THE

IMPIETY & ANARCHY

Of the

FRENCH NATION;

And on the conduct of the Scottish Clergy, addressed to Members of the last General Assembly of the Church of Scotland.

CONSIDERATIONS ON THE FRENCH WAR,

In which the circumstances leading to it, its object, and the resources of Britain for carrying it on, are examined, in a Letter to the Right Hon. William Pitt, By a British Merchant.

A PLAN OF REFORM,

Proposed to the Christian People, a Sermon, Preached at Anderston,

By James Stewart, Minister,

An ESSAY upon the GOVERNMENT a-
dopted by the AMERICANS.

DR. YOUNG'S
ESSAYS ON GOVERNMENT.

OBSERVATIONS
ON

DR. YOUNG'S
ESSAYS ON GOVERNMENT,
By JOHN MUIRHEAD,
MINISTER OF THE GOSPEL.

THE
MYSTERY OF MAGISTRACY
UNVAILED.

The CABINET OF CURIOSITIES, from No:
1, to No. 7.

PLAN
OF THE
CONSTITUTION FOR FRANCE,
SUBMITTED TO THE NATIONAL CONVENTION BY THE
COMMITTEE OF CONSTITUTION, AND PRESENTED
BY M. CONDORCET, *February 14th, 1793.*

LIKEWISE,
The Prophecies of RICHARD BROTHERS, HALHED's TESTIMONY OF THEIR AUTHENTICITY.

PLAN OF THE NEW CONSTITUTION

Of the French Republic;

With the Report presented to the Convention, from the Commission of Eleven, by BOISSY D'ANGLAS, on the 5th Messidor—23d June, 1795.

To which is added,

The proceedings of the Convention, on the 14th of July, upon the declaration of the

Duties of a Citizen,

Presented by Daunou, Reporter of the Committee of Eleven; and the important debate on the

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